

# *Karekare Ratepayers and Residents Trust*



## Submission on the Fast-track Approvals Bill 2024 (FTAB)

### Submitter details

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### Introduction

1. The KKRRT welcomes the opportunity to submit on the Fast-track Approvals Bill 2024. We believe the Bill is fundamentally flawed and should be withdrawn.
2. We strongly oppose this Bill and argue that from an environmental and constitutional perspective, it is one of the worst pieces of legislation that has ever been introduced to Parliament. In particular, we argue that this Bill is:
  - Undemocratic;
  - A very significant environmental threat;
  - Could lead to the appearance of corruption, if not the actual corruption, of Ministers and their parties in the coalition Government.
3. Karekare is a rural and beach community on the west coast of Auckland, south of Piha. The KKRRT is an incorporated society, set up in 1985 to promote the common interests of local residents, and, inter alia, to preserve and protect the natural environment of Karekare and the adjoining Waitakere Ranges, a region of outstanding natural beauty and biodiversity.
4. In the four decades of the Trust's existence there have been proposals that we fear may be resurrected under this Bill, such as mining our black sand beaches, and intensive residential development in the eastern foothills of the Waitakere Ranges, beyond the existing Metropolitan Urban Limits.
5. The communities on Auckland's west coast were hard-hit by Cyclone Gabrielle, with lives lost and many residents forced out of their homes, yet the FTAB barely mentions the need to mitigate climate change. KKRRT considers this a glaring omission that further damages the credibility of the Bill.

## Part 1 – the Bill is undemocratic

6. One of the most alarming features of this bill is the level of authority vested in a small group of ministers. We would also argue that the proposed group is the wrong group of ministers . The fact that three ministers control entry to the process and also make the final decisions, with only a token provision of checks and balances in the form of advisory panels which the ministers can ignore, is undemocratic and dangerous. This consolidation of executive power without meaningful checks and balances is a slippery slope towards the undermining of our democratic institutions and creates an unsettling precedent for future legislation.
7. Further, it is a significant legal and political risk to the ministers themselves as their integrity will be under constant scrutiny and, even when acting with the best of intentions, ministers will face significant pressure given the lack of proper checks and balances and the removal of the normal separation between ministerial oversight and operational decision-making over specific matters. Ministers will be open to allegations of bias and predetermination, and may find their decision-making subject to multiple judicial reviews.
8. The second aspect of this Bill that we consider to be undemocratic is the lack of right of appeal (or even public notification). We consider the current right of merit-based appeal to the Environment Court as is provided for under the RMA to be an incredibly important safeguard to ensure that environmentally, socially or culturally detrimental decisions can be challenged. This, when considered in conjunction with the consolidation of power in a small group of ministers, is alarming.
9. The third aspect of this Bill that we consider to be undemocratic is the fact that Schedule 2 is currently blank. This prevents parties (including iwi, NGOs and local government entities) from being able to develop a full and comprehensive position on the legislation as there is no clear picture of the government’s intentions. This is unacceptable.

## Part 2 – the Bill poses a very significant threat to the environment

10. The threat to the environment posed by this Bill cannot be overstated and is profoundly concerning. Of particular concern is the lack of any real threshold for ineligibility on environmental grounds, the potential eligibility for inclusion of projects rejected under the RMA, the primary and overriding weighting given to the purpose of the Bill, and the almost-complete lack of consideration of climate change.
11. The Bill is contrary to the National Party’s environmental policy, which aspires to safeguard New Zealand's unique natural environment, native biodiversity, waters and landscapes for future generations. Its *Blueprint for a Better Environment* talks about sustainable freshwater, protection of our oceans and marine life, enhancing biodiversity, and opportunities for outdoor recreation. National has said that with clear, cohesive rules that target better environmental outcomes, growth and prosperity can be achieved within environmental limits. KKRRT agrees. The Bill will not achieve those outcomes, and will seriously damage National’s credibility with respect to its environment policy.
12. Another concerning component of this Bill is that the ministers responsible do not include the Ministers for the Environment, Climate Change or Conservation (with some limited exceptions). The joint ministers will be supported by technical advice from their own ministerial officials but it is not clear to what extent they will be guided by official advice from the Ministry for the Environment, the Department of Conservation or other relevant entities such as the Climate Change Commission. It is also concerning that the Parliamentary Commissioner for the Environment does not have a clear statutory role here.

### Part 3– the Bill in relation to the Waitākere Ranges

13. We acknowledge Te Kawerau ā Maki as mana whenua for the Waitākere Ranges and tautoko any issues raised by Te Kawerau ā Maki in respect of the Waitākere Ranges.
14. The Waitākere Ranges is recognised in the Waitākere Ranges Heritage Area Act 2008 as an area of national significance due to their exceptional natural heritage features. The Ranges span over 27,000 hectares of land, of which around 17,000 hectares is regional park, administered by Auckland Council. The Ranges provide unique opportunities for:
  - Preservation of species;
  - ecological restoration;
  - preservation of diverse habitats for indigenous flora and fauna;
  - cultural, scientific and educational interest; and
  - natural scenic beauty.
15. In addition, the Waitākere Ranges and the black sand beaches of Piha, Karekare, Te Henga (Bethells Beach) and Muriwai, provide exceptional opportunities for responsible recreation by not only Aucklanders, but the many national and international tourists who visit the area every day throughout the year. The appeal of the Ranges and the west coast beaches that border them is, in no small part, attributable to their wild, rugged quality and relative lack of development. We see it as critical that we preserve this taonga for future generations.
16. We accept that opportunities exist to sustainably harness the recreational and tourist potential of the Ranges, but we are broadly opposed to any development in the area that is not underpinned by the most stringent environmental criteria. The appeal of the Ranges for recreation and tourism could risk being undermined should there be any attempt to initiate the development of substantial infrastructure through approval processes that do not take into account the current criteria required for development under the Auckland Unitary Plan in respect of the Waitākere Ranges Heritage Area. We would strongly and categorically oppose any development in the Ranges utilising the fast-track process and undermining or negating the Waitakere Ranges Heritage Area Act.
17. The Waitākere Ranges are home to three major water reservoirs and drinking water facilities that provide a significant amount of Auckland’s potable water and we acknowledge the importance of this function but would be concerned at the prospect of any further encroachment into the Waitākere Ranges by infrastructure projects.
18. We note the huge effort, time, money and research that has in recent years gone into fighting kauri dieback (also known as kauri PTA) in the Waitākere Ranges and throughout northern Aotearoa New Zealand’s kauri forests. It is essential that we continue to protect kauri and, in the Waitākere Ranges, this will likely mean keeping some areas of the forest closed indefinitely for the trees’ protection. In the areas where tracks have been progressively re-opened, this has been enabled by significant investment into track upgrades to protect kauri roots from contamination. It would be absolutely devastating if these efforts were undermined by the intrusion of a fast-tracked infrastructure project with no environmental mitigations. The potential cost of this would be incalculable.

### Conclusion

19. The KKRRT opposes this Bill in its entirety

20. We argue that the Resource Management Act 1991, despite its acknowledged complexity and inefficiencies, is fundamentally a sound piece of legislation that could be stripped back to its original form and updated to reflect the contemporary realities of impending climate crisis, and our modern understanding of Treaty Partnership. The worst thing the government could do for our environment, our democracy, and our international reputation would be to pass this Bill.

21. References:

<https://www.rnz.co.nz/news/in-depth/511054/nz-first-minister-shane-jones-says-he-doesn-t-know-or-care-about-tobacco-industry-transparency-rules>

<https://www.rnz.co.nz/programmes/in-depth-special-projects/story/2018928347/smoke-signals-the-tobacco-industry-language-that-found-its-way-into-ministerial-papers>

<https://www.rnz.co.nz/news/national/514060/fast-track-bill-which-projects-could-be-approved-for-quicker-consent>

<https://www.rnz.co.nz/news/political/512259/the-unprecedented-power-the-government-is-handing-three-of-its-ministers-under-its-new-fast-track-approval-bill>

<https://eds.org.nz/resources/documents/media-releases/2024/eds-calls-for-fast-track-approvals-bill-to-be-abandoned-in-submission-to-select-committee/?from=featured>

We wish to speak to the Environment Committee in support of our submission.

Caroline Grove

Committee Member, KKRRT